



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

Docket Number FRA-2001-10948

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated July 23, 2012, Central Montana Rail, Inc. (CMR) has petitioned the Federal Railroad Administration (FRA) for an extension of its waiver of compliance from a provision of the Federal hours of service laws contained at 49 U.S.C. § 21103(a), as provided by 49 U.S.C. § 21102(b). FRA assigned the petition Docket Number FRA-2001-10948.

In their petition, CMR seeks relief from 49 U.S.C. § 21103(a)(2), which prohibits a train employee from remaining or going on duty for a period in excess of 12 consecutive hours. Title 49 U.S.C. § 21102(b) allows railroads with 15 or fewer employees to petition for exemption from the restriction outlined at 49 U.S.C. § 21103(a)(2), but the exemption may not authorize a carrier to require or allow its employees to be on duty more than a total of 16 hours in a 24-hour period. In support of its request, CMR explained that the allowance for train crews to accumulate up to 16 hours of time on duty has not impacted safety negatively, and that this allowance is only used occasionally.

A copy of the petition, as well as any written communications concerning the

petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue, S.E., W12-140, Washington, D.C. 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., W12-140, Washington, D.C. 20590.
- Hand Delivery: 1200 New Jersey Avenue, S.E., Room W12-140, Washington, D.C. 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by [INSERT DATE 45 DAYS FROM PUBLICATION OF THIS NOTICE] will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and

comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78,) or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on September 12, 2012.

Ron Hynes
Director, Office of Safety Assurance and Compliance

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